

REMARKS/ARGUMENTS

Claims 1-13 stand in the present application, claim 1 having been amended. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

The Office Action alleges that there is no antecedent basis for "the defined frame length" in element "c" of claim 1. However, the antecedent basis is "a defined number of packets" recited earlier in element "c" – the length of a frame is defined by the number of packets in it. Although not believed necessary, Applicant has amended claim 1 to recite "the defined number of packets" in place of the objected to language "the defined frame length." This amendment should be entered for at least purposes of appeal.

The Office Action next rejects claim 2 under 35 USC 112, on the grounds that the description does not mention that "unallocated switch requests are reserved for allocation to a subsequent frame." Applicant directs the Examiner's attention to the present specification at page 4, lines 6-8, which describes holding data over to the next frame if there is more than can be accommodated in the first frame, and at page 17, lines 8-11 and Figure 2 which describe and illustrate how, in the embodiment, packets may be delayed (subject to a maximum value for that delay). This delay implies that some packets are held over from one frame to the next. Accordingly, claim 2 is fully supported by the present specification, and Applicants request that the § 112 rejection be withdrawn.

Turning to the rejection under 35 USC 102, the Examiner continues to assert that claims 1-13 are anticipated over Applicant's earlier application WO01/67803 ("Hill"). The Examiner has interpreted the claims in a manner that is not borne out by a careful reading of the specification as a whole. In particular the Examiner has erroneously equated the multiple "stages" of the allocation plan generated for a single frame (element "c" of claim 1) with both the "phases" of request allocation in the prior art reference (e.g., page 5 line 19-20) and even with the three stages of the switch itself (page 6, line 28).

It is made very clear in the prior art reference that element "c" (see Hill at page 5, lines 3-5) is repeated iteratively (see, Hill, step "d" – lines 6 -7) until each output port has reached its "maximum request capacity." At this point it would be apparent to the reader that the allocation process for that frame must stop, because there are no further spaces to fill.

Note also that the cited passage (Hill at page 5, lines 3-5) stops at step "d" – the final step "f" referenced by the Examiner is part of the subsequent process (steps "a" to "d") whose description starts at line 8. This subsequent process also requires the iterative application of one step. This step (coincidentally also labeled "c") involves the mere identification of the requests and not their allocation, and is repeated until all of the requests have been identified. Allocation then takes place up to the maximum capacity of each port (input and output – another difference), and any remaining requests held over to the next "phase." This "next phase" referred to in step "f" (lines 19-20) cannot refer to part of the allocation plan for the same frame in that the frame is already complete when step "e" has been performed.

The Examiner's objection is therefore based on a combination of elements from two different processes, albeit disclosed in the same reference. There is no indication in that reference that these elements may be "mixed and matched" in this way. Furthermore, the interpretation applied to the element "f" by the Examiner, whether as part of the process of which it forms a part (Hill at page 5, lines 8-20) or added to the other process (Hill at page 4, line 30 to page 5 line 7) is inconsistent with the rest of the specification. The "next phase" of allocation must refer to a subsequent frame as the only requests remaining unallocated after step "d" of the first process (Hill at page 5, lines 7-8) or step "e" of the second process (Hill at page 5, lines 17-18) are those whose allocation would have caused the maximum capacity of the current frame to be exceeded.

In contrast, the present claims require a multistage allocation plan for a (i.e., singular) frame. It should be apparent that merely repeating the first stage (limiting the requests to be considered such that no individual queue is greater than the frame length) is not a process which can usefully be performed more than once on any particular set of requests. Indeed it can be seen that the first stage shortens the queues (i.e., removes from the allocation plan certain packets), while the second stage reinstates some of those left out in the first stage. Clearly these cannot be a simple repeat of the same process. For all of the above reasons, claims 1-13 patentably define over the cited art.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 1-13, standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a

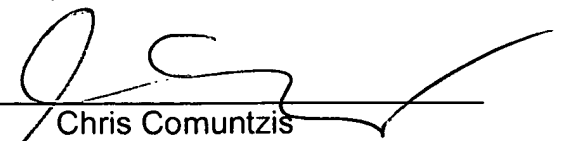
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supplemental response or an Examiner's amendment, the Examiner is respectfully
requested to contact the undersigned at the local telephone exchange indicated below.

Respectfully submitted,

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